

NELSON, MULLINS, RILEY & SCARBOROUGH, LLP

OLSON, CANNON, GORMLEY, ANGULO & STOBERSKI

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Plaintiff,

vs.

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and among Steven W. Myhre, Acting United States Attorney (“USA”), John Patrick Burns, Assistant United States Attorney (“AUSA”), Solomon L. Wisenberg, Esq., and Peter Angulo, Esq., attorneys for Defendants

Richard C. Neiswonger and Shannon Neiswonger, that the sentencing currently scheduled for January 22, 2018 be vacated and continued until May 1, 2018, or a date thereafter convenient to the Court.

The Stipulation is entered into for the following reasons:

1. This is the thirteenth request to continue Mr. and Mrs. Neiswonger's sentencing in this matter. The first request was made through stipulation of the parties on September 26, 2012 (Docket Entry 22) and was granted by the Court that same day (Docket Entry 22). The second request was made through stipulation of the parties on June 7, 2013 (Docket Entry 24) and was granted by the Court on June 7, 2013 (Docket Entry 25). The third request was made through stipulation of the parties on September 25, 2013 (Docket Entry 26) and was granted by the Court on September 26, 2013 (Docket Entry 27). The fourth request was made through stipulation of the parties on December 23, 2013 (Docket Entry 30) and was granted by the Court on December 26, 2013 (Docket Entry 31). The fifth request was made through stipulation of the parties on March 14, 2014 (Docket Entry 32) and was granted by the Court on March 19, 2014 (Docket Entry 33). The sixth request was made through stipulation of the parties on June 18, 2014 (Docket Entry 41) and was granted by the Court on June 18, 2014 (Docket Entry 42). The seventh request was made through stipulation of the parties on December 4, 2014 (Docket Entry 43) and was granted by the Court on December 9, 2014 (Docket Entry 46). The eighth request was made through stipulation of the parties on May 15, 2015 (Docket Entry 48) and was granted by the Court on May 18, 2015 (Docket Entry 49). The ninth request was made through stipulation of the parties on October 12, 2015 (Docket Entry 50) and was granted by the Court on October 13, 2015 (Docket Entry 51). The tenth request was made through stipulation of the parties on March 9, 2016 (Docket Entry 52) and was granted by

the Court on the same day (Docket Entry 53). The eleventh request was made by stipulation of the parties on December 12, 2016 (Docket Entry 66) and was granted by the Court on the same day (Docket Entry 67). The twelfth request was made by stipulation of the parties on June 19, 2017 (Docket Entry 68) and was granted by the Court on the same day (Docket Entry 69).

2. The additional time requested herein is not sought for purposes of delay.
3. In late October 2015, Mrs. Neiswonger suffered a serious, life-threatening and debilitating brain injury. Mr. Neiswonger is assisting in providing virtually round-the-clock care for Mrs. Neiswonger, who underwent her second major brain surgery related to the injury on March 7, 2016, and is still under a specialist's care. Accordingly, on November 27, 2017, the Court granted Mrs. Neiswonger's unopposed motion for competency evaluation (Docket Entry 71). The Court-appointed competency evaluator was ordered to conduct a competency evaluation by February 1, 2018 (Docket Entry 73).
4. On December 8, 2017, the Court scheduled a telephonic status conference for December 15, 2017 in the above-captioned action and in the related action, Case Number 2:11-CR-00247-JAD-CWH. During the status conference, all parties agreed that, in light of recent events and Mrs. Neiswonger's medical issues, the defendants' sentencings will need to be continued and their presentence investigation reports need to be updated (Docket Entry 75). The Court directed the parties to file a stipulation to continue the defendants' sentencings until an available date in April or May of 2018, after the completion of Mrs. Neiswonger's competency evaluation, and to confer and reach agreement with the U.S. Probation Office regarding the timetable for completing and responding to the Probation Office's updated draft Presentence Report.

5. For the above stated reasons, the ends of justice would best be served by a continuance of the sentencing date until May 1, 2018 or a date thereafter convenient to the Court.

DATED this 19th day of December, 2017.

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/s/
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/s/
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Attorney for Defendants (Associated Counsel)
NEISWONGER

FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. This is the thirteenth request to continue Mr. and Mrs. Neiswonger's sentencing in this matter. The first request was made through stipulation of the parties on September 26, 2012 (Docket Entry 22) and was granted by the Court that same day (Docket Entry 22). The second request was made through stipulation of the parties on June 7, 2013 (Docket Entry 24) and was granted by the Court on June 7, 2013 (Docket Entry 25). The third request was made through stipulation of the parties on September 25, 2013 (Docket Entry 26) and was granted by the Court on September 26, 2013 (Docket Entry 27). The fourth request was made through stipulation of the parties on December 23, 2013 (Docket Entry 30) and was granted by the Court on December 26, 2013 (Docket Entry 31). The fifth request was made through stipulation of the parties on March 14, 2014 (Docket Entry 32) and was granted by the Court on March 19, 2014 (Docket Entry 33). The sixth request was made through stipulation of the parties on June 18, 2014 (Docket Entry 41) and was granted by the Court on June 18, 2014 (Docket Entry 42). The seventh request was made through stipulation of the parties on December 4, 2014 (Docket Entry 43) and was granted by the Court on December 9, 2014 (Docket Entry 46). The eighth request was made through stipulation of the parties on May 15, 2015 (Docket Entry 48) and was granted by the Court on May 18, 2015 (Docket Entry 49). The ninth request was made through stipulation of the parties on October 12, 2015 (Docket Entry 50) and was granted by the Court on October 13, 2015 (Docket Entry 51). The tenth request was made through stipulation of the parties on March 9, 2016 (Docket Entry 52) and was granted by the Court on the same day (Docket Entry 53). The eleventh request was made by

stipulation of the parties on December 12, 2016 (Docket Entry 66) and was granted by the Court on the same day (Docket Entry 67). The twelfth request was made by stipulation of the parties on June 19, 2017 (Docket Entry 68) and was granted by the Court on the same day (Docket Entry 69).

2. The additional time requested herein is not sought for purposes of delay.
3. In late October 2015, Mrs. Neiswonger suffered a serious, life-threatening and debilitating brain injury. Mr. Neiswonger is assisting in providing virtually round-the-clock care for Mrs. Neiswonger, who underwent her second major brain surgery related to the injury on March 7, 2016, and is still under a specialist's care. Accordingly, on November 27, 2017, the Court granted Mrs. Neiswonger's unopposed motion for competency evaluation (Docket Entry 71). The Court-appointed competency evaluator was ordered to conduct a competency evaluation by February 1, 2018 (Docket Entry 73).
4. On December 8, 2017, the Court scheduled a telephonic status conference for December 15, 2017 in the above-captioned action and in the related action, Case Number 2:11-CR-00247-JAD-CWH. During the status conference, all parties agreed that, in light of recent events and Mrs. Neiswonger's medical issues, the defendants' sentencings will need to be continued and their presentence investigation reports need to be updated (Docket Entry 75). The Court directed the parties to file a stipulation to continue the defendants' sentencings until an available date in April or May of 2018, after the completion of Mrs. Neiswonger's competency evaluation, and to confer and reach agreement with the U.S. Probation Office regarding the timetable for completing and responding to the Probation Office's updated draft Presentence Report.


CONCLUSIONS OF LAW

1. For the above stated reasons, the ends of justice would best be served by a continuance of the sentencing date until May 1, 2018, or a date thereafter convenient to the Court.

ORDER

IT IS HEREBY ORDERED that the sentencing currently scheduled for January 22, 2018, be vacated and continued to May 1, 2018, at the hour of 9:00 a.m.

DATED this 19th day of December, 2017.


UNITED STATES DISTRICT JUDGE

Submitted by:

/s/

PETER M. ANGULO, ESQ.

9050 W. Cheyenne Avenue

Las Vegas, NV 89129

Attorney for Defendants (Associated Counsel)

NEISWONGER